REMARKS

Claims 1, 3-22, 25-30, 32-51, and 55-60 are pending and under consideration in the above-identified application Claims 2, 23, 24, 31, and 52-54 were cancelled previously and remain cancelled.

In the Office Action of October 21, 2008, claims 1, 3-22, 25-30, 32-51, and 55-60 were rejected.

With this Amendment claims 1, 30, 55, 57 and 60 are amended.

I.   35 U.S.C. § 103 Obviousness Rejection of Claims

Claims 1, 3-15, 18-19, 22, 25-30, 32, 33-44, 47-48, 51, and 55-60 were rejected under 35 U.S.C. § 103(a) as being unpatentable over *Nafeh* (U.S. Patent No. 5,343,251) in view of *Shikunami* (U.S. Patent No. 6,718,121).

Claims 16, 20, 21, 45, 49 and 50 were rejected under 35 U.S.C. 103(a) as being unpatentable over *Nafeh* (U.S. Patent No. 5,343,251) in view of *Shikunami* (U.S. Patent No. 6,718,121) in further view of *Shah-Nazaroff et al.* (U.S. Patent No. 6,671,88).

Claims 17 and 46 were rejected under 35 U.S.C. 103(a) as being unpatentable over *Nafeh* (U.S. Patent No. 5,343,251) in view of *Shikunami* (U.S. Patent No. 6,718,121) in view of *Shah-Nazaroff et al.* (U.S. Patent No. 6,671,88) in further view of *Kawara et al.* (U.S. Patent No. 6,278,836).

Applicants respectfully traverse these rejections.

In relevant part, each of the independent claims 1 and 30 recite determining whether a candidate part, resulting from the extraction and detection of characteristic patterns from an input

signal, is a commercial message by applying at least one rule selected from the group consisting

of a minimum-length priority rule, an adjacent-candidate priority rule and a score priority rule.

This is clearly unlike *Nafeh,* which fails to disclose or even suggest determining whether

a candidate part, resulting from the extraction and detection of characteristic patterns from a

input signal, is a commercial message by applying at least one rule selected from the group

consisting of a minimum-length priority rule, an adjacent-candidate priority rule and a score

priority rule. Instead, *Nafeh* discloses a neural network which analyzes an input stream by

applying a plurality of weights to different aspects of the input stream, analyzes the weighted

values using a Sigmoid function and determines whether the input stream is a commercial using

a backpropogation algorithm in which a set of inputs are associated with a set of desired outputs.

See, U.S. Pat. No. 5,343,251, Col. 6, l. 13-39.

Shikunami discloses comparing the length a commercial message candidate, the time of

day the commercial message candidate was broadcast and the aspect ratio of the commercial

message with a database of known commercial messages to determine if the commercial

message candidate is a commercial message. U.S. Patent No. 6,718,121, Col. 9, l 1-54.

Nowhere does *Shah-Nazaroff* disclose applying any type of rule to the input stream much

less a minimum-length priority rule, an adjacent-candidate priority rule or a score priority rule.

Instead, *Shah-Nazaroff* discloses using "special circuitry" which identifies a "special signal"

identifying which portions of an input stream are commercial messages. See, U.S. Patent No.

6,671,88, Col. 3, l. 62 - Col. 4, l, 12.

Nowhere does *Kawara* disclose applying any type of rule to the input stream much less a

minimum-length priority rule, an adjacent-candidate priority rule or a score priority rule. Instead,

Kawara is directed at decoding encrypted video and audio streams to prevent copying of the

video and audio streams. See, U.S. Patent No. 6,278,836, Col 10, l. 36-48.

As the Applicant's specification discloses, by determining whether a candidate part,

resulting from the extraction and detection of characteristic patterns from a input signal, is a

commercial message by applying at least one rule selected from the group consisting of a

minimum-length priority rule, an adjacent-candidate priority rule and a score priority rule,

commercial messages are detected with greater accuracy. See, 2002/0021759, Para. [0263].

Therefore, because *Nafeh, Shikunami, Shah-Nazaroff, Kawara* and any combination of

the fails to disclose or even fairly suggest all the features of claims 1 and 30, the rejection of

claims 1 and 30 cannot stand. Because claims 13-22, 25-29, 32-51, and 55-60 depend, either

directly or indirectly, from claims 1 and 30, they are allowable for at least the same reasons.

II.   **Conclusion**

In view of the above amendments and remarks, Applicants submit that all claims are

clearly allowable over the cited prior art, and respectfully request early and favorable notification

to that effect.

Respectfully submitted,

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